

Application No.: 10/713,158
Art Unit: 2614

Response
Attorney Docket No.: 031730

REMARKS

Claims 1-22 are pending in the application, of which claims 9-22 have been withdrawn from consideration. Reconsideration in view of the following remarks is respectfully requested. It is respectfully submitted that this paper is fully responsive to the Office Action dated April 25, 2008.

Allowable Claimed Subject Matter:

Applicant gratefully acknowledges the indication that claim 8 has been allowed as indicated in item 5 of the Action. In addition, Applicant also gratefully acknowledges the indication that claim 5 would be allowable if amended to include all of the features of its base and any intervening claims. However, for at least the reasons set forth below, it is respectfully submitted that all of claims 1-8 are allowable.

In addition, Applicant also believes that claim 3 is allowable, since claim 3 includes substantially the same subject matter of allowed claim 8. In other words, it is submitted that claim 3 is the corresponding apparatus claim of the method recited in allowed claim 8. Accordingly, it is submitted that claim 3 should be allowable for at least the same reasons that independent claim 8 has been found to be allowable.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1-4, 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yang et al., USP 7,333,472, in view of Bach, US Patent Application No. 2005/193123.

This rejection is respectfully traversed.

Claim 1:

Independent claim 1 calls for *means for requesting a presentation of a plurality of communication protocols which the destination device can support over the connection.*

With regard to these features of claim 1, the Examiner relies on the disclosure set forth in column 5, lines 26-40, of the Yang reference, and asserts that according to the IP terminal connection information and call control information based on H.323/MGCP/SIP protocol procedures are presented.

However, it is respectfully submitted that the Examiner is mischaracterizing the teachings of the Yang reference. More specifically, in column 5, lines 9-26, Yang discloses that the IP terminals 18 respectfully contain a user interface and a communication module, which are not shown in Fig. 1. The user information and the user IP interface information establish signal

transmission/reception with the IP-PBX 14 over a LAN line via a hub 20. The communication module is connected to the IP network 12, and performs a VoIP function in compliance with one or more of the H.323, MGCP and SIP protocol procedures.

In other words, it is respectfully submitted that Yang clearly discloses that the communication module contained in the IP terminal 18 is connected and performs a VoIP function in compliance with one or more of the protocol procedures H.323/MGCP/SIP. In other words, it is respectfully submitted that the communication module of the IP terminal 18 is able to perform a VoIP function over the IP network 12 in accordance with one of the protocol procedures H.323/MGCP/SIP.

As such, it is respectfully submitted that since the communication module of the IP terminal 18 has the capability of performing a VoIP function in accordance with one of the protocol procedures, H.323/MGCP/SIP, the IP terminal 18 does not need to request a presentation of a plurality of communication protocols which the destination device can support over the connection.

In addition, in column 5, lines 35-40, Yang discloses that the IP driver 22 which is connected to the IP terminal 18 and the IP-PBX 14 via a hub 20 controls the IP end points of the IP terminals 18 according to IP terminal connection information and call control information based on the H.323/MGCP/SIP protocol procedures.

In other words, it is respectfully submitted that the IP driver 22 controls the end points of the IP terminals 18 according to the IP terminal connection of the communication module of the IP terminal 18 according to one of the H.323/MGCP/SIP protocol procedures.

Accordingly, when the communication module of the IP terminal 18 performs a VoIP function in compliance with one or more of the H.323/MGCP/SIP protocol procedures, the IP driver 22 controls the end points of the IP terminal according to one or more H.323/MGCP/SIP protocol procedures.

In view of the above, it is respectfully submitted that the Yang reference clearly fails to disclose *a means for requesting a presentation of a plurality of communication protocols which the destination device can support over the connection*, since the communication module of the IP terminal 18 includes the capability of performing a VoIP function in compliance with one or more of the H.323/MGCP/SIP protocol procedures and the IP driver 22 controls the IP end points of the IP terminal 18 according to one or more of the H.323/MGCP/SIP protocol procedures performed in the VoIP function by the communication module of the IP terminal 18.

Therefore, it is submitted that there is simply no need for the IP terminal 18 to request a presentation of a plurality of communication protocols which the destination device can support over the connection, since the communication module of the IP terminal 18 already has the capability of performing a VoIP function in compliance with one or more of the protocol

procedures and the IP driver 22 merely controls the end points of the IP terminal 18 according to the one or more protocol procedures.

The Examiner also acknowledges that the Yang reference fails to disclose selecting one communication protocol which the communication terminal device can support. In other words, it is respectfully submitted that the Examiner acknowledges that the Yang reference fails to disclose the features of claim 1 regarding *means for selecting one communication protocol which the communication terminal device can support from communication protocols presented by the destination device as a response to the request by the means for requesting.*

In order to compensate for the above-noted drawbacks and deficiencies of the Yang reference, the Examiner relies on the disclosure in paragraph [0050] of the Bach reference regarding “the client initiates the communication by sending a ‘setup’ message according to the standard call control protocol which has been selected,” (that is H.323/MGCP/SIP).

However, while Bach may disclose that a setup message can be initiated by a client according to either the H.323 or the SIP call control protocol, it is respectfully submitted that the selection of either of these call control protocols are not selected based on being presented by the destination device as a response to the request by the means for requesting, as called for in claim 1.

As such, even if the Yang and Bach references can be combined in the manner suggested by the Examiner, such combination would still fail to teach or fairly suggest the features of claim 1 regarding *means for requesting a presentation of a plurality of communication protocols which the destination device can support over the connections; and means for selecting one communication protocol which the communication terminal device can support from communication protocols presented by the destination device as a response to the request by the means for requesting.*

Claims 2 and 3:

With regard to the features of claims 2 and 3, the Examiner essentially relies on the disclosure in col. 4, lines 60-65 of the Yang reference regarding the database 28 storing phone numbers and port numbers of the legacy terminals 16 and subscriber information, including phone numbers, of the IP terminals 18 connected to the IP network 12 via a hub 20.

However, it is submitted that while the database 28 may store the phone numbers for the IP terminals 18, Yang fails to disclose that the database 28 stores a communication protocol, i.e., H.323/MGCP/SIP, associated with the IP telephone numbers, as called for in claim 2.

For example, as shown in Fig. 2 of the present application, the IP telephone number table Ta1 includes an "IP TEL NO." column for registering an IP telephone number of the destination and a "COMMUNICATION PROTOCOL" column for registering a communication protocol

which can be supported by a destination device of the IP telephone number and the facsimile machine 1 itself. Various pieces of information are associated with one another and stored by being registered in the same record, for example, the communication protocol "SMTP" is associated with the IP telephone number "050-123456" in the same record, as shown in Fig. 2.

In addition, it is submitted that Yang is complete silent with regard to the second feature of claim 2 regarding *wherein when a communication protocol is stored in the means for storing by being associated with the IP telephone number of the destination device, the means for requesting does not request a presentation of a plurality of communication protocols which the destination device can support over the connection, and the means for selecting selects the communication protocol associated with the IP telephone number of the destination device and stored by the means for storing.*

Further with regard to claim 3, it is submitted that Yang simply fails to disclose or fairly suggest that *when a communication protocol is not stored in the means for storing by being associated with the IP telephone number of the destination device, the means for requesting requests a presentation of a plurality of communication protocols which the destination device can support over the connection, and the means for selecting selects one communication protocol which the communication terminal device can support from the communication protocols presented from the destination device.*

That is, the Examiner has failed to establish that Yang teaches that the database 28 may or may not include a communication protocol that is stored in association with an IP telephone number, and depending on whether the communication protocol is stored (claim 2) or is not stored (claim 3) the means for requesting does not request (claim 2) or does request (claim 3) *a presentation of a plurality of communication protocols which the destination device can support over the connection, and the means for selecting selects one communication protocol which the communication terminal device can support from the communication protocols presented from the destination device.*

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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